



**HANGER LAW**

(757) 351-1510 • www.hangerlaw.com

DELIVERED VIA U.S. MAIL & EMAIL

August 22, 2017

Federal Election Commission  
Office of Complaints Examination and Legal Administration  
Attention: Mary Beth DeBeau, Paralegal  
999 E. Street, NW  
Washington, DC 20436

CELA

2017 AUG 23 AM 9:33

RECEIVED  
FEDERAL ELECTION  
COMMISSION

**RE: Response of Thomas Bates and RK Chevrolet, Buick, Subaru, Inc. /  
MUR7084**

Dear Ms. Antoinette Fuoto:

On June 6, 2016, Ms. Lisa Clarkson ("Clarkson" and/or "the Complainant"), filed a complaint against Scott Taylor, individually, and Scott Taylor for Congress, John G. Selph, in his official capacity as treasurer; and Special Operations OPESEC Political Action Committee and Education Fund, Michael Smith, in his official capacity as treasurer, and Scott W. Taylor in his capacity as President and sole controlling member. Included within the complaint was an allegation against Thomas Bates of "RK Chevrolet, Buick, Subaru, Inc."

Under the Federal Election Campaign Act of 1971, as amended (the "Act"), all complaints "should"

- clearly identify as a respondent each person or entity who is alleged to have committed a violation;
- statements which are not based upon personal knowledge should be accompanied by an identification of the source of information which gives rise to the complainant's belief in the truth of such statements;
- contains a clear and concise recitation of the facts which describe a violation of statute or regulation; and
- be accompanied by any documentation supporting the facts alleged.<sup>1</sup>

<sup>1</sup> See 11. C.F.R. §111.4(d) and MUR 5878, SOR of McGahn, Hunter, and Petersen (available here: <http://eqs.fec.gov/eqsdocsMUR/13044342628.pdf>)



**HANGER LAW**

(757) 351-1510 • [www.hangerlaw.com](http://www.hangerlaw.com)

Furthermore, in MUR 4960, the Commission stated the following:

The Commission may find "reason to believe" *only if* a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the FECA. Complaints not based upon personal knowledge *must* identify a source of information that reasonably gives rise to a belief in the truth of the allegations presented. (emphasis added)<sup>2</sup>

By all accounts, the Complaint failed this standard. Thomas Bates does not meet the definition of a federal contractor. As set forth on FEC.gov website:

"Campaigns may not accept or solicit contributions from federal government contractors. Since corporate contributions are already prohibited, the government contractor ban applies primarily to contributions from a partnership (or a limited liability company) with a government contract. It also applies to the personal and business funds of: 1. Individuals under contract to the federal government; and 2. Sole proprietors of businesses with federal contracts.

**The spouses of individuals and sole proprietors who are federal government contractors and employees of federal government contractors, however, may make contributions from personal funds."**<sup>3</sup>

Even if you find that RK Chevrolet, Buick, Subaru, Inc. are federal contractors, Mr. Thomas Bates is an employee of said company and is allowed under current FEC laws to contribute. Thomas Bates, not "RK Chevrolet, Buick, Subaru, Inc.", is listed on Page 5, Item C of Scott Taylor for Congress' April 2016 Quarterly FEC Report.<sup>4</sup> Furthermore, the car dealership he does work for provide retail sales of vehicles to the general public and are not federal contractors. As such, we are requesting that Thomas Bates be dropped from this complaint.

As previously mentioned, the entity "RK Chevrolet, Buick, Subaru, Inc." is not listed in the alleged April 2016 FEC Report as "donor", but rather Thomas Bates, who is an employee and president of RK Chevrolet. As mentioned, under the Federal Election Campaign Act of 1971, as amended (the "Act"), all complaints "should" clearly identify as a respondent each person or

<sup>2</sup> See MUR 4960 (Hillary Rodham Clinton For U.S. Senate Exploratory Committee, Inc.), Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas at 1

<sup>3</sup> See <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/who-can-and-cannot-contribute/>

<sup>4</sup> See <http://docquery.fec.gov/pdf/107/201604159012489107/201604159012489107.pdf>



# HANGER LAW

(757) 351-1510 • [www.hangerlaw.com](http://www.hangerlaw.com)

entity who is alleged to have committed a violation. In this case the complaint lists a business entity "RK Chevrolet, Buick, Subaru, Inc." that is not registered with the Virginia State Corporation Commission or registered in any other state and simply does not exist. As such we are requesting that non-existent entity "RK Chevrolet, Buick, Subaru, Inc." be dropped from this complaint.

In conclusion, pertaining to both Tom Bates and to RK Chevrolet, please provide any further basis upon which this complaint is grounded so we may answer appropriately. I have previously sent a statement of designation of counsel and can be reached at [Jason@HangerLaw.com](mailto:Jason@HangerLaw.com)

Sincerely,

Jason S. Miyares, Esq.

cc: Mr. Thomas M. Bates

cc: Mr. Jeff S. Jordan (VIA EMAIL [JJORDAN@FEC.GOV](mailto:JJORDAN@FEC.GOV))